FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL APPLICATION NO. 3419 OF 2003.
IN
CRIMINAL APPLICATION NO. 1355 OF 2005.

The State of Maharashtra. ..Applicant.
vs.
Jamila Aslam Choudhari & ors. ..Respondents.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri B. H. Mehta, A.P.P. for the Applicant-State.

CORAM: V.G.PALSHIKAR AND

V.C.DAGA, JJ.

DATED: 6.6.2005.

P.C.:

. For the reasons mentioned in the application, delay in filing appeal is condoned.

. Heard learned Addl.Public Prosecutor on merits.

. The learned trial Judge has given cogent reasons for coming to the conclusion that the accused deserve

acquittal. The material part of the order of the trial Judge reads as under:

" It is rather surprising to note here that the prosecution has not proved the recovery panchanama of weapons. Identification parade of accused No.2 and 4 even after arrest has not at all been held. Moreover, the complainant never entered into the witness box though repeatedly attempted to be served. Police report to that effect is there on record, compelling the Court to pass the order of reissue of summons to her below Exh.25. The complaint outrightly remained unexhibited, it is not proved. The investigating officer Mr. Deshmukh since from opening of the Sessions till this final conclusion today did not enter in the Court premises nor reported to the Court any reason for his absence throughout. No attempt has been made by the prosecution to get proved the complaint even by calling P.S.O. who has recorded the statement of Khairunissa. So these are the glaring latches on the part of the prosecution for this miserable end."

. In view of these observations, we see no reason to interfere with the order of acquittal which is legal and valid. Hence, leave is refused.

(V.C.DAGA, J.) (V.G.PALSHIKAR, J.)